State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

943T0484

SENATE BILL NO. 86

Introduced by: Senators Tidemann, Brown, Frerichs, Haverly, Hunhoff (Jean), Peters, Putnam, Rhoden, and Vehle and Representatives Kirkeby, Brunner, Dennert, Gibson, Hansen (Jon), Moser, Munsterman, Perry, Turbiville, and Wink

1   FOR AN ACT ENTITLED, An Act to grant limited immunity from arrest and prosecution for

2   certain alcohol consumption related offenses to persons who assist certain persons in need

3   of emergency assistance or who are themselves in need of emergency assistance.

4   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5   Section 1. No person may be arrested and prosecuted for any offense arising out of underage

6   consumption of alcohol if that person contacts any law enforcement or emergency medical

7   services and reports that a person under twenty-one years of age is in need of medical assistance

8   due to alcohol consumption. However, to acquire limited immunity from arrest and prosecution

9   pursuant to this Act, a person must:

10   (1)   Assist the person in need of medical assistance until assistance arrives; and

11   (2)   Remain and cooperate with medical assistance and law enforcement personnel on the

12   scene.

13   No more than one person is entitled to acquire limited immunity from arrest and prosecution

14   per incident of need. If more than one person renders assistance only the person rendering the

1   most effective assistance is entitled to acquire limited immunity from arrest and prosecution.

2   Section 2. No person, under the age of twenty-one years, may be prosecuted for any offense

3   arising out of underage consumption of alcohol if that person contacts any law enforcement or

4   emergency medical services and reports that he or she is in need of medical assistance due to

5   alcohol consumption. However, to acquire limited immunity from arrest and prosecution, the

6   person must remain on the scene and cooperate with medical assistance and law enforcement

7   personnel on the scene.